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AUTHOR	Thompson, David C.; And Others
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ABSTRACT

This position paper presents arguments countering the proposed closing of select small schools--particularly one geographically isolated school--in Randolph County, West Virginia. The first section briefly summarizes the county board of education's plan and rationale for school consolidation and the concerns of residents opposed to the school closings. The second section draws on a representative sampling of the literature on the effectiveness of small and rural schools to rebut the county's argument that academic achievement will improve as a result of consolidation. The third section outlines conditions imposed on the school district by the state: (1) increased educational standards in response to the mandates of the Recht decision; (2) a state aid formula that increasingly reduces staff positions, but does not contain weighting factors that address ruralness or population sparsity; and (3) large amounts of incentive aid for new educational facilities to districts that enact higher educational standards and qualify under the staffing ratio. The effect of these conditions is to force consolidation as a local choice where, in fact, no choice exists. The fourth section discusses the right of children to a quality education and the responsibility of the state to deliver educational services to children without worsening their present condition. This report concludes that the opponents to the school closings are appropriately seeking to dissuade school authorities from proceeding with consolidation, and recommends legislative, legal, and educational options. (SV)

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PRELIMINARY ANALYSIS AND RECOMMENDATIONS REGARDING THE CLOSING OF SELECT RURAL SCHOOLS IN WEST VIRGINIA

An Initial Report
provided to
The Randolph County Rural Board of Education

by

Dr. David C. Thompson
Dr. R. Craig Wood
Dr. David S. Honeyman

for

The UCEA Center for Education Finance
314 Bluemont Hall
Kansas State University
Manhattan, KS 66506
913-532-5766

March 5, 1990

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Introduction

The UCEA Center for Education Finance, located at Kansas State University and the University of Florida, was asked to prepare a position paper reflecting arguments to be used in countering the proposed closing of select small schools in Randolph County, West Virginia. Accordingly, this report is being provided without charge to the *Randolph County Rural Board of Education*, an organization specifically constituted of opponents to the proposed closing.

It should be noted that the contents of this analysis are the sole impressions and scholarly opinions of the authors and do not imply or express a position of the University Council for Educational Administration (UCEA), its member institutions, or any public or governmental agency. The study is further limited to examination of the several documents which appear in references at the close of this report and to a site visit to the Randolph County area by the lead author of this study March 3-6, 1990. Reference to legal issues should be strictly construed as scholarly research and should in no way be acted upon absent qualified legal counsel. To draw conclusions beyond this report would require additional research and data analysis, a service which the UCEA Center is authorized to conduct upon request under separate contract. All obligations of the Center to the *Randolph County Rural Board of Education* are hereby discharged by the delivery of this report.

Under the above conditions, this preliminary analysis of the particular circumstances of school consolidation in Randolph County consists of four parts: identification of the issues, a summary of representative research on rural schools and consolidation, discussion of the present problem, and recommendations.

Issues

At issue in the present study is a proposal by the county board of education to begin a process of consolidating selected schools throughout Randolph County, West Virginia. Presently there are seven elementary schools containing grades K-6, three rural schools containing grades K-12, a 7-12 high school at Tygarts Valley, and a junior high and high school at Elkins. The county therefore operates fourteen public schools exclusive of other special purpose institutions within the county's borders.

The current proposal before the county board of education is scheduled for public hearing and board vote on March 5, 1990 and calls for the closing of schools throughout the county until there remains a lesser number of elementary schools and only two high schools. According to the record of a public meeting held on January 15, 1990, the proposed consolidation would result in the following verbatim configuration:

> "Upon motion of Mr. Tacy, seconded by Mr. Rexrode, and with majority vote, the Board adopted the Administration's school proposal in its entirety.
>
> "This plan calls for the closing of Pickens School and Valley Head School effective with the end of the current academic year due to countywide budget and staffing problems which are contributed [sic] to operating more school facilities than is economically sound.
>
> "A ten-year plan would move the school system toward a two high school arrangement, with Harman School excluded from the overall reorganization at this time.
>
> "A high school, tentatively referred to as Randolph County High, would be constructed to house Elkins High 10-12, Elkins Junior High grade 9, and Coalton 9-12. Elkins Junior High would become Elkins Middle School and consist of the 7th and 8th grades at EJHS, the 6-8 grades at Coalton, and the 6th grade from North, Third Ward, Jennings Randolph Elementary, Midland, and Beverly.
>
> "Homestead would be converted to Homestead Middle School and would consist of the 7th-8th grades from Tygarts Valley, the 6th grade from George Ward, Pickens, and Valley Head. Tygarts Valley High would be a 9-12 school, with its current students plus grades 9-12 from Pickens.
>
> "George Ward Elementary would be a K-5 school, with its current students plus K-5 from Homestead, Valley Head, and Pickens.
>
> (The above motion passed with Mr. Rexrode, Mr. Tacy, and Mrs. Godwin voting aye; Mrs. Hinkle abstaining, and Mrs. Daetwyler-Spencer voting against.)"

The net effect of the proposed consolidation becomes that by the year 2000 or beyond, schools at Coalton, Harman, Pickens, Valley Head, Homestead, and according to a handprinted document Midland School (*Randolph County Schools Year = 2000*), would be closed.

The issue, therefore, is two-fold. First, the Randolph County Board of Education has assembled a plan for school consolidation in the district and has compiled and distributed evidence relating

to proposed educational benefits and cost savings which can be affected by the district if it engages in school closings. Among the evidence is argument that deficient achievement exists at Pickens School which can be improved by consolidation, and a further argument that by closing the referenced schools, the district can qualify for approximately $13.7 million in state incentive monies to build a new high school based on statewide efficiency measures adopted by the state legislature. The second issue is the disfavor of the proposed consolidation held by those residents whose school(s) would be closed, and whose main arguments are at least three-fold in that closings are alleged to be detrimental to the education of the disaffected children including their safety, that the urban areas of the county are the selective recipients of greater advantage at the expense of certain rural areas, and that the major impetus for consolidation rests more in the state incentive money than in the best interests of education for all children in the county. Accordingly, the *Randolph County Rural Board of Education* is in disagreement with arguments concerning achievement, has deep concerns about the future of education in the county, and thereby seeks to dissuade school authorities from proceeding with consolidation plans.

Research

Research on rural and small schools is a growing and useful source of information regarding actual benefits and disadvantages found in the nation's many rural school districts. Although the media often portrays the United States as a crime-ridden and huddled mass of urban poverty, rural education is a common fact of life in many states comprised of vast areas of sparsely populated land. In a nation which has seen reduction in the number of school districts from more than 125,000 at the turn of the century to less than 16,000 today, the average profile of school districts is still typically rural or suburban and with enrollments of 800 or less pupils. In fact, a number of states continue to have more than 500 districts, a few states still contain more than 1,000 school systems, and a small number of one-room schoolhouses still exists.

For more than half a century, research has proclaimed the virtues of consolidation and increased district size. Theoretically, consolidated schools can have larger and better equipped facilities and offer broader and more diverse curricula. As schools grow in size, libraries are increasingly available, and expanded curricula include advanced courses, a wider variety of vocational programs, and greater exposure to diverse careers. More specialized teachers and opportunities for academically talented students to excel are also attributed to larger schools.

Proponents of consolidation further generally point out drawbacks to small schools. They argue that the quality of teaching may suffer in small schools as teachers must prepare at multiple levels daily. Since teaching in small schools has

traditionally been viewed as a stepping stone to larger schools, it is argued that the best teachers will either not take jobs in small schools or will leave them as soon as opportunity presents itself. It is especially argued that having the same teacher year after year is detrimental to the breadth of a child's education, and that where conflicts between students and teachers develop or where teachers hold minimal or negative expectations, the disadvantage to the child is doubly increased. Certainly, the isolation from peers and the broader society is offered as a condemning feature of very small schools. Finally, there is a body of research evidence which points to lower achievement among rural and small schools, and the causal linkages suggest that the foregoing factors and the general disadvantage of small schools compared to large schools represent a distinct disservice to students who will in all probability leave their narrowly isolated settings to live in a rapidly changing and complex society.

While there is clearly virtue and fact inherent in the arguments of consolidation proponents, there is research which capably argues the opposite perspective. This research tends to present evidence which either demonstrates an equally opposite causal effects view or finds no evidence to either support or deny the disadvantage of smallness. While the evidence is far too vast to cover comprehensively in an analysis of this brief nature, a representative sampling is important here because the county board of education has argued in part that performance data indicate that the closure of small schools in the county will benefit the educational achievement of children, especially as it relates to cited low test scores and multiple split-grade classes.

As early as 1966, the famous Coleman study on school effects found no link between school size and educational achievement (Coleman, 1966). Since that time, the literature has been replete with a number of national studies which have either found no correlation or a positive relationship between educational achievement and smallness. For example, Summers and Wolfe (1975) found higher achievement correlated with smaller class size at both elementary and secondary levels. In one of the more sizeable studies, the Nebraska State Department of Education (Sher, 1988) studied its sparsely rural education system because of a concern that new and innovative methods of education were not utilized in its rural settings. The results of the Nebraska study severely questioned once-popular views linking teacher performance and overall school quality to increased school size, expanded numbers of courses, and amounts of materials generally believed to be more available in larger schools. Contrary to the historical perspective, the Nebraska study found that in fact the limited curriculum of small schools allowed for greater indepth focus and mastery, that rural schools had fewer performance problems, that comparisons of per-pupil expenditures for rural schools were inherently discriminatory by comparing unequal conditions and factors, that efficiency and size were unrelated in performance

data, and that school consolidation represented an uncreative and inefficient way of solving service delivery problems. Similarly, Edington (1984) found that in New Mexico, school size was not related to achievement, and that other factors should be more compelling when consolidation is considered (see Smith and DeYoung, 1988).

The State of Illinois has been particularly hard pressed in recent years to consolidate its more than 1,000 small school districts, many of which have been alleged to be political enclaves whose borders have been designed to preserve community standards and traditions. But after many studies (Thurston, 1985; Ward, 1988; Jones, 1985; and others) the state board reached conclusions that achievement considerations as a basis for consolidation should be only minimal, and that consolidation concerns were in many instances better addressed by sharing teachers, utilizing instructional technology, restructuring high school grades, reexamining course scheduling, and reevaluating state initiatives designed to encourage or force consolidation. The Illinois State Board determined that conclusions about small school inferiority and inefficiency represented a step backward because research data do not prove that small schools achieve at a lower rate over time, and that data indicating lower performance are magnified because failure among small numbers has a disproportionate effect on true achievement patterns.

It is clear that there has been an abundance of research which can be used to coherently support either side of the argument. But throughout the research there has been compelling evidence that neither the size of a school nor its isolation or proximity to population centers inherently makes a school effective or ineffective. A school is much more likely to uniquely reflect the values and achievement of the community from which it draws its life, as people who live in communities inexorably shape schools much as they would like to see them. What is more important is the community perspective on the school, and the small but powerful core of research which identifies the few critical factors which do indeed influence educational outcomes: teacher attributes, policy and administrative arrangements, and facility and fiscal characteristics (MacPhail-Wilcox and King, 1986). The quality of the teaching staff, whether or not the school operates effectively on policy dimensions, and the level of fiscal support are the factors which combine with the home and natural talents of children to make an effective school. Issues of economic efficiency and size are only minimally related to educational achievement.

The Randolph county board of education has set forth an admirable philosophy and statement of objectives (*CEFP* 1987, pp103-104). These goals provide in part that schools in Randolph County should assist students to:

1. Develop and apply basic skills in reading, writing listening, and speaking.
2. Develop a positive self-image and a sense of personal worth and character.
3. Develop the values, attitudes, and practices of responsible citizenship in a democratic society, respect for community participation, family membership, environmental awareness, and other disciplines essential to American society and heritage.
4. Develop knowledge and basic skills in mathematics, the natural sciences and social studies.
5. Apply basic skills to gain knowledge and use information in problem solving.
6. Develop knowledge of and competence in the skills necessary for entering an occupation or to continue in an educational program.
7. Develop skills necessary to respond to a changing world.

The county board of education has presented argument which asserts that achievement at Pickens School has not equalled the stated expectations of the district (*Proposal to Close Pickens School*, pp59-71) according to the following:

General education at the elementary school level:

1. Phase II regulations of State Board Policy 2510 are not being met. For example, exploratory studies and library/media instruction are not being provided.
2. Limited enrollment and personnel prevent the transitional kindergarten requirement under Senate Bill 14 from being attained.
3. The majority of basic skill development test scores fall below the countywide average.
4. Remedial math and reading services are not being made available within the regular curriculum.
5. Criteria of Excellence standards are not being met.
6. Split classrooms with three grade levels per classroom exist.
7. Support services are limited and certain areas such as counseling are not provided.
8. Individual student needs are not being appropriately addressed.
9. Facility requirements as outlined to meet curriculum needs in the Handbook on Planning School Facilities are not being met.

General education at the secondary school level:

1. Phase I elective requirements under State Board Policy 2510 are not being met. For example, Art, STEPS, Drivers Education, Science and Social Studies electives are not available. Art, required in grades 7-12, is not offered.

2. Basic skill development test scores reflect that the majority of student scores are below the countywide average.
3. Support services are limited and in certain areas such as counseling, no service is provided by certified staff.
4. A librarian does not serve the school.
5. Criteria of Excellence standards are not being met.
6. Individual student needs are not being provided for appropriately.
7. Facility requirements as outlined to meet curriculum needs in the Handbook on Planning School Facilities are not being met.

Similar data are presented for each of the additional service areas such as federal programs, special education, and so forth. The conclusion of the two sections argues essentially that students at Pickens School are not presently offered a high quality, equitable education which meets state policy and standards requirements. The net sum argument by the county board concludes that academic achievement will improve as a result of consolidation (*Proposal to Close Pickens School*, p59).

Examination of achievement data for Pickens School reflects less certainty regarding either present failure of the existing school or that achievement will necessarily increase by consolidation. A four-part report prepared by the professional staff at Pickens School two years ago detailed many commendable indicators of educational quality. Evidence was offered of the success of Pickens graduates, including letters of testimonial by deans and professors in receiving institutions and illustrious alumni, among whom number graduates who have themselves engaged in teaching in public schools and colleges. The report notes that among the graduates are professionals in medicine, engineering, banking, ministry, and other careers. Evidence of scholarship is also presented as sizeable numbers of graduates have gone on to higher education, including several who have graduated with honors from local colleges.

The academic deficit presented by the county board references both the quality and breadth of the curriculum as well as achievement data at Pickens School. The preliminary examination of the curriculum available to students by the authors of this study suggests an adequate educational exposure in terms of course offerings (*Student Handbook*, pp9-10). Given the extremely low numbers in the school, there appears to be a rounded balance within the curriculum, and there are opportunities for students to benefit by a low pupil-teacher ratio--one of the few resources shown to make a difference in student achievement. Similarly, another known resource impact in teacher qualifications suggests that students at Pickens have at least an equal opportunity for exposure to quality instruction, as the level of professional staff preparation compares favorably to other county schools and the state with 25

percent holding bachelors degrees, another 17 percent holding at least a bachelors plus 15 additional hours, and an additional 59 percent holding a masters degree or better compared to 48 percent for county schools and 51 percent in the state. The actual achievement data also do not reflect a consistently inferior level of performance as the Grade 3 skills score on the achievement battery is better than county or state averages, Grade Six below the county or state mean, Grade Nine slightly below the county and state but above national norms, and Grade Eleven below other comparison factors. Given the low enrollment, the research contention that low numbers unfairly skews performance distributions has merit in this instance. While performance data certainly cannot be discounted as a measure of school productivity either at Pickens or elsewhere, it should also be noted that other performance indicators in the school are quite positive, including the fact that 75 percent of eligible students took the ACT at Pickens School compared to 52.8 percent for the county and 50.7 percent for the state.

The arguments of the county board regarding either increased educational opportunity through consolidation or low performance data are therefore not totally secure. In fact, most of the enumerated complaints appear to reflect discontent in areas other than achievement. Inasmuch as the present case in Randolph County has attached considerable importance to the notion that academic achievement will improve as a result of consolidation (*Proposal to Close Pickens School*, p59), it appears that neither the research literature nor the actual achievement data when considered with broadbased indicators overwhelming support the concept that student performance will dramatically accelerate as a consequence of relocating students to other district schools. In sum, the board has not conclusively demonstrated that consolidation is the appropriate avenue to improved academic performance under the present circumstances.

The Present Problem

The present problem, therefore, seems to be more related to issues apart from educational achievement as the justification for consolidation. Of utmost importance to schools at the moment in West Virginia is the efficiency mandate imposed by the State as a consequence of what is commonly referred to as the Recht decision (*Pauley v. Kelly*, 255 S.E.2d 859, 1979 and subsequent reviews in *Pauley v. Bailey*, 324 S.E.2d 128, 1982 and *Pauley v. Gainer*, 353 S.E.2d 318, 1986). As a result of the decision which held that a fundamental right to an education requires high uniform educational standards under the "thorough and efficient" clause of the state constitution, significantly increased educational standards have been imposed on local schools. The result has been that the state has imposed many requirements on local districts--conditions which some districts cannot meet without major reorganization.

As a result of increased standards and other stringent state controls, the present district has found itself faced with difficult budgetary constraints. The most immediate effect has been that the district must meet a state-imposed efficiency mandate via a staffing formula (PTR) which allocates professional positions to school districts and reimburses them with state aid according to an acceptable efficiency ratio. While districts are free to allocate staff in any configuration desired, the practical effect of the ratio is that only a limited quantity of reimbursable staff can be hired to cover every area of a mandated curriculum--therefore, the state rather than the local district in effect eventually determines the number of schools which can be kept open. The staffing ratio which has varied annually presently stands at 55 positions per each 1,000 of enrollment. If the ratio were applied to individual classrooms, it would currently settle at about 18:1, a condition not presently met in this district or across the state where the PTR averages 15.2:1. The net effect of the standard is that districts which are losing enrollment also lose staff positions, and districts which fail to comply by reducing staff (and consequently classrooms or schools) are penalized in state aid--not an inconsequential loss in a state where the majority of per-pupil costs are distributed by the state through its aid formula. In the present circumstance, state aid amounts to $2,362.22 per pupil in 1989-90, with the balance funded by county property taxes (regular and excess levy), state grants, federal grants, and miscellaneous receipts. According to the district's *Report Card*, only one school in Randolph County effectively meets the PTR on a per-classroom basis, and the district's declining enrollment and multiple attendance centers is causing the loss in staffing authority and the problem of covering multiple attendance centers with increasingly fewer staff members.

The issue is complicated by the fact that education in the State of West Virginia is concurrently experiencing boom and bust. The state itself continues to suffer from economic depression, while at the same time ordered by the court to increase educational standards with the implication that the state may not delegate its responsibility to the local community. The state's response to the excellence mandate under limited revenue has been to equate excellence with increased standards coupled with efficiency requirements if they are to continue to qualify for state aid and to simultaneously offer incentive aid to districts who move quickly to enact the higher standards and efficiency measures. The net effect has operated to encourage consolidation by PTR penalties and by offering large sums of money to local districts for new educational facilities which qualify under the staffing ratio. In sum, the legislature has avoided the unpopular task of ordering consolidation, choosing rather to force it as a local choice where no choice in fact exists. The effect is to starve schools who cannot meet the constitutional mandate for 'thorough and efficient' under the PTR penalty.

The state's posture creates a difficult circumstance for rural schools such as Randolph County. The county is uniquely remote in places, having 1,046 square miles and being the largest county east of the Mississippi River and larger than the state of Rhode Island. In at least the one instance at hand, Pickens School is so remotely isolated that if the proposed consolidation occurs, some students will be required to board buses at 6:30 a.m. and ride approximately one-hour-and-thirty-minutes each way across dangerous inclines which cross three mountains with elevation changes of over 1,500 feet. Buses routes which presently transport 80 percent of the children in the district by traveling 700,000 miles per year and over 4,000 miles daily will increase if consolidation of the numerous schools cited earlier is inaugurated because only one high school, one middle school, and one elementary school will remain in the total southern half of the county (*Memorandum* January 17, 1990) and the schools in the northern half will be significantly reconfigured.

The school district has nonetheless chosen to propose massive consolidation as the solution to the state's efficiency measures. Because the budget per pupil of $6738.16 at Pickens School is high compared to other schools in the district, because expenditures for certain schools have exceeded revenue for the past several years, and because of increasing state penalties under the efficiency mandate, consolidation has been proposed as the single solution. According to one budget document, the district has spent down cash reserves until the 1990 excess fund balance has been depleted. Finally, if the district concedes to the state, it will stand in a better position to qualify for approximately $13.7 million in state incentive money to undertake needed facility projects.

The combined effect of a state aid formula which tacitly requires consolidation by increasingly reducing staff positions which would otherwise allow schools to be kept open, which does not contain weighting factors based on ruralness or sparsity, and which offers large amounts of incentive aid equivalent to an entire new high school is powerful. That the district has in the past laid plans which would at least marginally maintain the present configuration is evident in the Comprehensive Educational Facilities Plan (*CEFP* Revised January 1987) which recommended that the Pickens school be continued due to isolation. Similarly, a 1985 study noted eight alternative configurations for the district, ranging in cost from $11 million to approximately $13.7 million (Richardson, pp 8-10). Both the comprehensive study (Richardson, 1985) and the district's comprehensive facility plan (*CEFP* 1987) concluded that schools in their present configuration were functional and served specific purposes. The Richardson study in particular offered creative recommendations in part as follows:

1. "Because of the locale of the Randolph County population and because of physical barriers, school facilities (not necessarily with the current grade organization) must be located in their present sites. The one exception to this is Valley Head which could possibly be closed with the students moved to George Ward. The study does not recommend this action.

2. "Usually, some economic advantage is derived from closing and consolidating schools. However, even if the high school level programs were removed from Harman, Coalton and Pickens, the remaining grades would still have to be served in the facilities and very little, if any, reduction in operation and maintenance costs would result.

3. "The use of the magnet school concept, itinerant teachers, interactive television, computer technology or some combination of these methods gives the Randolph County Board of Education a unique opportunity to provide a quality instructional program and still maintain the community schools.

4. "School closing and consolidation are volatile issues that create turmoil and disruption in a community that sometimes never heal. Interviews conducted during this project indicated that parents in outlying high schools discouraged their children from attending vocational programs because they believe that any movement of students from these schools would be interpreted by the Board of Education as a willingness to accept consolidation.

5. "Finally, the Randolph County Board of Education has the opportunity to become a leader in rural education. It can show that educational opportunities can be provided in a remote environment" (Richardson, pp17-19).

The preponderance of evidence is therefore convincing that unlike the issues offered earlier regarding achievement concerns as a motivation for consolidation, there are pressures present in the case at hand which are forcing the issue on legitimate grounds. What must be considered is whether the state has in fact contributed to the improvement or detriment of educational delivery throughout the state, whether the lack of mandated services to Pickens School cited by the county board have represented an inability to provide those services or simply a failure to comply with state regulations, whether the board has adopted consolidation as a means to obtain state building authority funds, and whether the board has exercised all its future options apart from consolidation. The question becomes whether there are workable

alternatives to school consolidation in Randolph County, and as particularly concerns this study, to closing the remotely located Pickens School.

Conclusions of Fact and Expert Opinion

It becomes clear upon examination of the evidence that there is no single local villain in a complex scenario of entangled local and state control of education. It is clear that whether in the present instance there is sentiment among the local leadership to close schools or whether there is public sentiment to maintain schools in some configuration resembling the current situation, there are influences and constraints which are seemingly beyond the total control of any distinguishable group. The courts have ordered the legislature to redress the inequitable conditions documented in *Pauley*, the economy is frustrating legislative attempts to meet the mandate, representative democracy is working by virtue of legislative persuasion along rural and urban lines to garner the bulk of resources for more heavily representated constituencies, and the legislature is passing its pressures on to local school boards who in turn are pressed by disgruntled patrons.

The unfortunate aspect is, however, that children stand to suffer most. The legislature's response to the odd partnership between economics and justice has been to increase standards while demanding efficiency through the PTR penalty. As it occurs, the staffing ratio formula is two things: (1) it is unaided by a state which has both set a difficult standard and which fails to recognize either sparsity or ruralness in its aid formula, and (2) it appears to have been devised either uncritically or in part to encourage consolidation by indirect persuasion rather than by legislative decree. Neither attribute is admirable. It is in fact a failure to recognize that quality is not a derivative of efficiency.

The state's solution to its own dilemma is seriously flawed on the basis of adequacy and equity. The aims of educational reform and high quality standards enforced across the state required by the Recht decision cannot be served by reducing instructional expense and commensurately increasing transportation costs. Time spent in buses rather than classrooms does not result in either efficiency or increased learning. On the contrary, the mandate for efficiency and quality in the preponderance of research and legal precedent (e.g., *Edgewood Independent School District v. Kirby*, _____ S.W.2d ____, 1989; *Rose v. The Council for Better Education*, Inc., ____ S.E.2d ____, 1989; *Pauley v. Kelly*, 255 S.E.2d 859, 1979; *Robinson v. Cahill*, 303 A.2d 27, 1973) argues that the state has a responsibility to support the education of all children--a responsibility which cannot be displaced by counties on states or by states on economic distress, or otherwise abandoned in the face of a mandate for equal opportunity and equal protection. The effect of the state's posture has been to allow

economics to dictate the level of educational quality and to read into the state constitution's "thorough and efficient" clause a mandate for efficiency over thoroughness. Where a fundamental right exists, a state's action may not unduly infringe or exert extraordinary hardship in the exercise of that right.

The state has a responsibility to deliver educational services to children in their present condition. In the case of at least one of the proposed school closings, their present condition will be considerably worsened if they are forced to travel long distances at early or late hours over dangerous roads to pursue their basic right to a quality education. The district's allegations that children in the affected school are not receiving the services detailed above in its list of deficiencies should be aimed at the state for its failure to provide funding mechanisms sensitive enough to allow for such delivery, rather than used as a justification for closing schools. The staffing ratio has starved the district for funds to deliver the most appropriate educational program to these isolated children, but the district must also recognize that in pointing out the lack of services, it also indicts itself for not making suitable provision. The bottom line becomes that where a right is present, there is no excuse for its limitation, and the district's efforts should be redirected toward legislative or judicial relief, whichever is most fruitful.

A thorough and efficient educational system does not imply that school consolidation can never occur. It simply implies that consolidation which has as its apparent focus cost-containment to the detriment of individual rights is inappropriate, and it implies that since 1973 similar constitutional mandates have imposed a significant burden on states for proving that the primary responsibility for education has not been set aside by cost considerations unrelated to genuine educational need. Where exceptions and provisions for hardship and sparsity are frequently a part of other states' funding formulae but are unrecognized in West Virginia and where the state is underfunding educational need to the extent that children must be geographically disadvantaged if they access their right to an education, there remain only few alternatives to local districts which are dependent on the state funding mechanism.

It therefore becomes possible to draw conclusions about the queries on Page Twelve of this report. The response to the first consideration of whether the state has in fact contributed to the improvement or detriment of educational delivery throughout the state must be answered that there is an evident deficit on the part of the state to recognize both its responsibility under the constitution to meet educational need where it exists and to help, rather than hinder, local districts meet the increased requirements which the state itself has imposed. Under a staffing ratio which is legislatively adjusted to impose continually more difficult efficiency standards and the simultaneous effect of increased

educational standards without a commensurate recognition of ruralness, there exists a need for legislative or judicial rectification.

The question of whether the lack of mandated services to Pickens School has represented a justified inability to provide those services or a deliberate failure by the county board to comply with state regulations is more difficult and requires intimate knowledge of local circumstance and politics--in sum, the question requires a judgement call which outside experts are hardpressed to provide. What can be observed is a dilemma of swords. The district has presented evidence that it has for the past several years understaffed other schools in the district in order to provide staff to maintain certain rural schools, including Pickens School. It has similarly suggested heroic deficit expenditures to keep those schools open. It has further demonstrated planning efforts designed to explore alternatives to consolidation, and has apparently enacted parts of those plans until it presently sees itself faced with no alternative other than closure under the statute which continues to reduce available professional staff positions. It would appear in conclusion that the district has taken steps to meet its responsibility, but the question still remains that a mandate to deliver services has apparently not been met, raising the question of whether the district may now make a service available only to those students who travel to receive it. The question is tantamount to educational deprivation, and the interested parties are the state and the local district. The resolution to that question can only be found in a court of law if the parties so choose to pursue it.

The question of whether the board has favored consolidation as a means to obtain state building authority funds rather than on the basis of educationally sound practice is likewise to attempt to determine rather darkly obscure motivations. The constraints placed upon the county board by declining staffing authority makes it increasingly difficult to maintain the present number of schools, and the record of district deliberations suggests that it has in fact responded favorably to the state's offer to provide 'free' monies if it complies with state efficiency standards. The district must choose between a loss of revenue and removing children from their local community to transport them elsewhere for the exercise of their right to an education. Accordingly, there appears to be indication that the district has accepted money as its rationale for consolidation, but that it has been a decision whose outcome appears inevitable under the current funding formula for schools. To distinguish motive beyond such observations is beyond the power of this report, except to observe that the effect of a well-intentioned judicial mandate has played out in state policy which exchanges expenditures for known resource effects (i.e., teachers) and educational programs for the purchase of transportation.

Finally, the question of whether the board has exercised all its future options apart from consolidation becomes critical to the final disposition of the consolidation issue. Decision theory argues that optimal decision-making based on total exhaustion of facts is impossible. Instead, satisficing behavior must substitute in an incomplete world. Accordingly, it is difficult to argue that the county board has considered or failed to consider every possible option.

It is more reasonable to ask whether the county board has pressed the most obvious alternatives to consolidation. The planning documents prepared by Richardson (1985) and the district's own *CEFP* (1987) suggest that a repertoire of options have been considered and that, under the present circumstance, those options have been abandoned in favor of the consolidation plan put forth in the minutes of the January 15, 1990 board meeting and the document entitled *Randolph County Schools Year = 2000*. No complete record was examined by the authors which detailed the process by which the board abandoned earlier recommendations in favor of consolidation, except the single-page explanation of fiscal concerns which was apparently made available and discussed at the special board meeting of January 15, 1990.

It must therefore be concluded that there are few desirable options in the face of continued state aid losses. Those options include raising taxes to make up for lost revenue, seeking exception for specific schools from the State, seeking legislative recognition of ruralness, some other more efficient combination of alternatives provided in the Richardson study such as interactive television, satellite programming, and the use of itinerant rather than permanently assigned staff, or seeking legal redress. Any of these options, while not perfectly preferable over resident staff supported by a vast array of comprehensive services, seems infinitely preferable to removing children from their setting to transport them elsewhere at a substantial risk to their physical and educational wellbeing. The conclusion of the evidence and options therefore suggests that alternative paths still remain, and that those options should be exercised before the irretrievable act of school closure occurs.

The original allegations of the *Randolph County Rural Board of Education* that the proposed closings (specifically Pickens School) are detrimental to the education of the disaffected children including their safety, that the urban areas of the county are the selective recipients of greater advantage at the expense of certain rural areas, and that the major impetus for consolidation rests more in the state incentive money than in the best interests of education for all children in the county are legitimate concerns which must be addressed. Under the present circumstance it appears that arguments regarding educational benefits associated with consolidation are suspect, and that the safety and appropriateness of educational services in the Pickens

area are adequately supported. While this preliminary report cannot conclude that the motivations behind the board's intent relates primarily to a desire to advantage urban areas, it can be readily seen that such will be the effect and that state-induced efficiency, however reluctantly accepted, will result in a specific $13.7 million benefit. It can further be concluded that the restrictive fiscal and state policy nature of the described events offers little positive hope that the educational needs of every child will be met in the most appropriate manner. And finally, the authors are in agreement that the *Randolph County Rural Board of Education* is appropriately seeking to dissuade school authorities from proceeding with the consolidation plans.

Recommendations

It is from the above discussion that the recommendations of this present study are drawn. While the recommendations are general, they are heavy in their implications because they commit substantial resources to appropriate educational programs or to the pursuit of relief. They should not be underestimated for their impact, costs, or the lengthy process of resolution. Accordingly, this study recommends that further investigation into proposed consolidation of schools in Randolph County should occur, and that:

1. The effect of state regulations should be reevaluated by the appropriate organizations, including the State Department of Education, the Office of the Governor, and other appropriate governmental agencies. The county board of education should join *with* the organization which originally sought this study to present a unified complaint. Similarly, it is likely that more than the present district are adversely affected by the staffing ratio and state efficiency measures, and a complaint across the state should be mounted for its added impact.

2. The district should make every effort to heed the repeated recommendations of its own study (*CEFP* 1987), the Richardson study (1985), and this preliminary analysis to maintain the Pickens school. The conditions surrounding the unique ruralness of this community should not be treated on an equal par with other schools to be closed, and the county board is encouraged to reexamine the earlier proposals for reconfiguration.

3. As the staffing ratio does not apply to individual schools and as the express purpose of this study was requested only as it affects Pickens School, the district should exercise other consolidation moves which excludes Pickens because of its unique isolation and danger to transporting students. Those options include the alternatives cited above, including interactive television, satellite programming, and the use of itinerant rather than permanently assigned staff.

4. The district should seek legislation which recognizes exceptions for ruralness based on the most appropriate educational experience for children. Such a move, while time-consuming, is the most effective means of redress short of litigation and should be immediately sought.

5. The district and/or the *Randolph County Rural Board of Education* should consider seeking judicial redress under various pleadings related to fundamentality, equal opportunity and equal protection and a favorable interpretation of the constitutional mandate for "thorough and efficient" to require the state to assist local districts in meeting children's educational needs appropriately and in their situs without endangering their lives or educational wellbeing unduly. Equal protection, educational deprivation, and appropriate equal educational opportunity should be among those issues pressed.

6. If a final vote to consolidate is cast by the county board of education at the March 5 board meeting, the *Randolph County Rural Board of Education* may alternatively wish to seek to enjoin enforcement of the vote of the county board of education until a legal determination of appropriate educational program can be obtained.

7. Finally, other recommendations as appropriately recommended by legal counsel and educational experts.

Conclusion

The State of West Virginia is to be commended for its efforts to improve education across its vastly diverse population and geography. At the same time, however, it must be cognizant that the constitutional mandate as interpreted in the Recht decision demands the most appropriate educational program for each individual child. An appropriate educational program cannot be inordinately driven by the revenue dimension--a condition which most assuredly has a profound influence in the Randolph County Schools.

When these issues are considered, the county board's choices become evident. While the options are few, they should be pursued because they are powerful. It is unlikely that the state wishes to engage in yet another prolonged series of litigation, and it should have an grave interest in assisting local districts in meeting the obligation to provide the most adequate and equitable education possible. As the most recent supreme court decision in Texas has indicated, the state has an inescapable responsibility to meet educational needs appropriately. The words of the Texas court may be considered as applicable here as it stated:

> It must be recognized that the Constitution requires an "efficient," not an "economical," "inexpensive," or "cheap" system (*Edgewood v. Kirby*, in the Supreme Court of Texas No. C-8353 at 7).

There is no reason to believe that efficient in Texas means anything different that it does in West Virginia.

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